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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,572	BALASURIYA, SENAKA	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 December 2001_.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _28 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _12/28/01, 5/21/03_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in this office action.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 12/28/2001 and 05/21/2001 have been considered by the examiner.

Claim Objections

3. Claims 12-14 are objected to because of the following informalities: Claim 12 is written as being dependent on claim 12. The examiner obviously believes the intent was to have claim 12 be dependent on claim 11. Please make the appropriate correction and check the remaining dependent claims for accuracy in terms of dependency. Appropriate correction is required.

4. Claims 16-19 are objected to because of the following informalities: Claim 16 is written as being dependent on claim 16. The examiner obviously believes the intent was to have claim 16 be dependent on claim 15. Please make the appropriate correction and check the remaining dependent claims for accuracy in terms of dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-6, 8, 10-13, 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Provisional Application 60/213562 by Rudder et al. filed on June

22, 2000 (hereinafter Rudder), in view of U.S. Patent 5,479,476 by Finke-Anlauff

(hereinafter Finke).

7.   Note: US Patent Application Publication 2002/0059425 claims priority to

Provisional Application 60/213562.

8.   With respect to Claim 1, Rudder teaches a multimodal communication method

comprising; accessing a multimodal profile that contains at least multimodal preference

information associated with at least one input modality and at least one output modality

and multimodal preference information (Page 34, 2nd and 3rd paragraphs); and

configuring at least one multimodal communication apparatus for a multimodal

communication session based on the accessed multimodal preference information

(Page 33, last paragraph; Page 34, starting at the 2nd paragraph to Page 35). Rudder

does not explicitly disclose the used of an identifier associated with the multimodal

preference information. Finke teaches a similar method of using a profile to configure a

communication apparatus (Col. 1 line 61 - Col. 2 line 12). The teachings of Finke

include the use of an identifier that is associated with both input and output preference

information (Col. 3 line 57 - Col. 4 line 12 and Col. 5 lines 3-67, also see Fig. 3). This

allows a user to easily select a mode of operation associated with an identifier based on

the particular situation of the user (Col. 5 lines 63-67). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to take the method

disclosed by Rudder and modify it as indicated by Finke such that the method further

comprises an identifier associated with the multimodal preference information. One

would be motivated to have this, as there is need for facilitating a users adjustment of

operating characteristics in order to get the best performance appropriate to a current

situation (Col. 1 lines 46-58 and Col. 5 lines 63-67 of Finke).

9.   With respect to Claim 2, Rudder in view of Finke teaches all the limitations of

Claim 1 and further teaches wherein the step of configuring the at least one multimodal

communication apparatus for the multimodal communication session based on the

accessed multimodal preference information includes using the at least one identifier to

select one of a plurality of stored multimodal preferences from a multimodal profile (Col.

3 line 57 - Col. 4 line 12 and Col. 5 lines 3-67, also see Fig. 3 of Finke).

10.   With respect to Claim 3, Rudder in view of Finke teaches all the limitations of

Claim 2 and further teaches configuring at least one multimodal server for a multimodal

communication session based on the selected multimodal preference information Page

34, starting at the 2nd paragraph to Page 35 of Rudder).

11.   With respect to Claim 4, Rudder in view of Finke teaches all the limitations of

Claim 1 and further teaches storing a plurality of multimodal preferences for a plurality

of different modalities to create a multimodal profile (Page 33, last paragraph; Page 34,

starting at the 2nd paragraph to Page 35 of Rudder; and Col. 3 line 57 - Col. 4 line 12

and Col. 5 lines 3-67, also see Fig. 3 of Finke).

12.   With respect to Claim 5, Rudder in view of Finke teaches all the limitations of

Claim 1 and further teaches creating at least one multimodal profile by: presenting a

user interface that receives input and output modality preference data to define differing

multimodal preference information for a plurality of multimodal communication scenarios

(Page 33, last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder;

Page 37, last paragraph to Page 38 2nd paragraph) associated with a plurality of

identifiers (Col. 5 lines 3-67 of Finke).

13.   With respect to Claim 6, Rudder in view of Finke teaches all the limitations of

Claim 1 and further teaches the identifier associated with the multimodal preference

information represents an environmental situation associated with a multimodal

communication (Col. 3 line 57 - Col. 4 line 12 and Col. 5 lines 3-67, also see Fig. 3 of

Finke).

14.   With respect to Claim 8, Rudder in view of Finke teaches all the limitations of

Claim 5 and further teaches wherein the multimodal preference information includes at

least one of; session preference information, media preference information including

format identifiers to facilitate control of a format of information sent or received during

the multimodal communication, and input output modality preference data (Page 33, last

paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37, last

paragraph to Page 38 2nd paragraph of Rudder).

15.   With respect to Claim 10, Rudder in view of Finke teaches all the limitations of

Claim 1 and further teaches wherein available multimodal preference information is

based on operational capabilities of at least one of: multimodal communication

apparatus capabilities, communication network capabilities, ambient conditions, a

server that is accessed by the multimodal communication apparatus and a service

accessed by the multimodal communication apparatus (Page 33, last paragraph; Page

34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37, last paragraph to Page

38 2nd paragraph).

16.   With respect to Claim 11, Rudder teaches a multimodal profile generator

operative to access a multimodal profile that contains at least one of multimodal

preference information associated with at least one input modality and at least one

output modality and multimodal preference information (Page 34, 2nd and 3rd

paragraphs); and a multimodal communication apparatus configuration controller,

operatively responsive to accessed multimodal preference information, to configure a

multimodal communication apparatus for a multimodal communication session based

on the accessed multimodal preference information (Page 33, last paragraph; Page 34,

starting at the 2nd paragraph to Page 35). Rudder does not explicitly disclose the used

of an identifier associated with the multimodal preference information. Finke teaches a

similar method of using a profile to configure a communication apparatus (Col. 1 line 61

- Col. 2 line 12). The teachings of Finke include the use of an identifier that is

associated with both input and output preference information (Col. 3 line 57 - Col. 4 line

12 and Col. 5 lines 3-67, also see Fig. 3). This allows a user to easily select a mode of

operation associated with an identifier based on the particular situation of the user (Col. 5 lines 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Rudder and modify it as indicated by Finke such that the apparatus further comprises an identifier associated with the multimodal preference information. One would be motivated to have this, as there is need for facilitating a users adjustment of operating characteristics in order to get the best performance appropriate to a current situation (Col. 1 lines 46-58 and Col. 5 lines 63-67 of Finke).

17.   With respect to Claim 12, Rudder teaches all the limitations of Claim 11 and further teaches a user interface, operatively coupled to the multimodal profile generator, that receives input and output modality preference data to define differing multimodal preference information for a plurality of multimodal communication scenarios (Page 33, last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37, last paragraph to Page 38 2nd paragraph) associated with a plurality of identifiers (Col. 5 lines 3-67 of Finke); and memory, operatively coupled to the multimodal profile generator, that stores received input and output modality preference data and an associated identifier that has been associated with at least a pair of received input and output modality preference data, as part of the multimodal profile (Page 33, last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37, last paragraph to Page 38 2nd paragraph) and (Col. 5 lines 3-67 of Finke).

18.   With respect to Claim 13, Rudder teaches all the limitations of Claim 12 and further teaches wherein the multimodal communication apparatus configuration

controller configures the multimodal communication apparatus for the multimodal

communication session based on the accessed multimodal preference information

using the at least one identifier to select one of a plurality of stored multimodal

preferences from a multimodal profile (Col. 3 line 57 - Col. 4 line 12 and Col. 5 lines 3-

67, also see Fig. 3 of Finke).

19.   With respect to Claim 15, Rudder teaches a multimodal communication system

comprising: (a) a multimodal communication apparatus having: multimodal profile

generator operative to access a multimodal profile that contains at least one of

multimodal preference information associated with at least one input modality and at

least one output modality and multimodal preference information (Page 34, 2nd and 3rd

paragraphs); and a multimodal communication apparatus configuration controller,

operatively responsive to accessed multimodal preference information, to configure a

multimodal communication apparatus for a multimodal communication session based

on the accessed multimodal preference information (Page 33, last paragraph; Page 34,

starting at the 2nd paragraph to Page 35); and (b) a multimodal network element,

operatively coupled to the multimodal communication apparatus, to provide information

during a session with the multimodal communication apparatus (Page 34, starting at the

2nd paragraph to Page 35). Rudder does not explicitly disclose the used of an identifier

associated with the multimodal preference information. Finke teaches a similar method

of using a profile to configure a communication apparatus (Col. 1 line 61 - Col. 2 line

12). The teachings of Finke include the use of an identifier that is associated with both

input and output preference information (Col. 3 line 57 - Col. 4 line 12 and Col. 5 lines 3-

67, also see Fig. 3). This allows a user to easily select a mode of operation associated

with an identifier based on the particular situation of the user (Col. 5 lines 63-67). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to take the system disclosed by Rudder and modify it as indicated by Finke such

that the system further comprises an identifier associated with the multimodal

preference information. One would be motivated to have this, as there is need for

facilitating a users adjustment of operating characteristics in order to get the best

performance appropriate to a current situation (Col. 1 lines 46-58 and Col. 5 lines 63-67

of Finke).

20.   With respect to Claim 16, Rudder teaches all the limitations of Claim 15 and

further teaches including memory, operatively coupled to the multimodal communication

apparatus, the memory containing received input and output modality preference data

and an associated identifier that has been associated with at least a pair of received

input and output modality preference data, as part of the multimodal profile (Page 33,

last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37,

last paragraph to Page 38 2nd paragraph) and (Col. 5 lines 3-67 of Finke).

21.   With respect to Claim 17, Rudder teaches all the limitations of Claim 16 and

further teaches including memory, operatively coupled to the multimodal network

element, the memory containing received input and output modality preference data and

an associated identifier that has been associated with at least a pair of received input

and output modality preference data, as part of the multimodal profile (Page 33, last

paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37, last

paragraph to Page 38 2nd paragraph) and (Col. 5 lines 3-67 of Finke).

22.   With respect to Claim 18, Rudder teaches all the limitations of Claim 16 and

further teaches a user interface, operatively coupled to the multimodal profile generator,

that receives input and output modality preference data to define differing multimodal

preference information for a plurality of multimodal communication scenarios (Page 33,

last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; Page 37,

last paragraph to Page 38 2nd paragraph) associated with a plurality of identifiers (Col. 5

lines 3-67 of Finke).

23.   With respect to Claim 20, Rudder teaches all the limitations of Claim 15 and

further teaches wherein the multimodal profile is transferred between the multimodal

communication apparatus and the multimodal network element (Page 34, starting at the

2nd paragraph to Page 35 of Rudder; Page 37, last paragraph to Page 38 2nd

paragraph).

24.   Claims 7, 9, 14 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rudder in view of Finke as applied to claim 1 above, and further in

view of U.S. Patent 5,983,186 by Miyazawa et al. (Miyazawa).

25.   With respect to Claim 7, Rudder in view of Finke teaches all the limitations of

Claim 1 and further teaches multimodal preference information may be associated with

the user's state and context as well as conditions of the apparatus being used (Page 33,

last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder; and Page

38 2nd paragraph; of Rudder). Rudder in view of Finke does not explicitly disclose the

multimodal preference information includes ambient condition threshold data associated

with at least one identifier. Miyazawa teaches the use of ambient condition threshold

data associated with operational settings (Col. 5 lines 8-49). Ambient threshold data is

compared with a detected ambient condition level (Col. 12 line 62 - Col. 13 line 23).

Selection of settings for the apparatus is based on the comparison (Col. 12 line 62 - Col.

13 line 23). This allows for improved interaction by, for example, making it easier to

hear even when ambient noise is present (Col. 13 lines 18-22). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to take the

method disclosed by Rudder in view of Finke and modify it as indicated by Miyazawa

such that the method further comprises wherein the multimodal preference information

includes ambient condition threshold data associated with at least one identifier. One

would be motivated to have this, as there is need for systems and methods that

facilitate greater and more consistent user interaction (Page 5 of Rudder).

26.   With respect to Claim 9, Rudder in view of Finke and in further view of Miyazawa

teaches all the limitations of Claim 7 and further teaches detecting an ambient condition

level associated with the multimodal communication apparatus, comparing the ambient

condition level to the ambient condition threshold data; and selecting a multimodal input

and output setting for the multimodal communication apparatus based on the

comparison (Col. 5 lines 8-49 and Col. 12 line 62- Col. 13 line 23 of Miyazawa).

27.   With respect to Claim 14, Rudder in view of Finke teaches all the limitations of

Claim 12 and further teaches multimodal input and output settings may be selected

based on the user's state and context as well as conditions of the apparatus being used

(Page 33, last paragraph; Page 34, starting at the 2nd paragraph to Page 35 of Rudder;

and Page 38 2nd paragraph; of Rudder). Rudder in view of Finke does not explicitly

disclose the multimodal communication apparatus configuration controller detects an

ambient condition level associated with the multimodal communication apparatus,

compares the ambient condition level to the ambient condition threshold data; and

makes the selection based on this setting. Miyazawa teaches the use of ambient

condition threshold data associated with operational settings (Col. 5 lines 8-49).

Ambient threshold data is compared with a detected ambient condition level associated

with the apparatus (Col. 12 line 62 - Col. 13 line 23). Selection of settings for the

apparatus is based on the comparison (Col. 12 line 62 - Col. 13 line 23). This allows for

improved interaction by, for example, making it easier to hear even when ambient noise

is present (Col. 13 lines 18-22). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to take the apparatus disclosed by Rudder in

view of Finke and modify it as indicated by Miyazawa such that the apparatus further

comprises wherein the multimodal communication apparatus configuration controller

detects an ambient condition level associated with the multimodal communication

apparatus, compares the ambient condition level to the ambient condition threshold

data; and selects a multimodal input and output setting for the multimodal

communication apparatus based on the comparison. One would be motivated to have

this, as there is need for systems and methods that facilitate greater and more

consistent user interaction (Page 5 of Rudder).

28.   With respect to Claim 19, Rudder in view of Finke teaches all the limitations of

Claim 16 and further teaches further teaches multimodal input and output settings may

be selected based on the user's state and context as well as conditions of the apparatus

being used (Page 33, last paragraph; Page 34, starting at the 2nd paragraph to Page 35

of Rudder; and Page 38 2nd paragraph; of Rudder). Rudder in view of Finke does not

explicitly disclose the multimodal communication apparatus configuration controller

detects an ambient condition level associated with the multimodal communication

apparatus, compares the ambient condition level to the ambient condition threshold

data; and selects a multimodal input and output setting for the multimodal

communication apparatus based on the comparison. Miyazawa teaches the use of

ambient condition threshold data associated with operational settings (Col. 5 lines 8-49).

Ambient threshold data is compared with a detected ambient condition level associated

with the apparatus (Col. 12 line 62 - Col. 13 line 23). Selection of settings for the

apparatus is based on the comparison (Col. 12 line 62 - Col. 13 line 23). This allows for

improved interaction by, for example, making it easier to hear even when ambient noise

is present (Col. 13 lines 18-22). It would have been obvious to one of ordinary skill in

the art at the time the system was made to take the apparatus disclosed by Rudder in

view of Finke and modify it as indicated by Miyazawa such that the system further

comprises wherein the multimodal communication apparatus configuration controller:

detects an ambient condition level associated with the multimodal communication

apparatus, compares the ambient condition level to the ambient condition threshold

data; and selects a multimodal input and output setting for the multimodal

communication apparatus based on the comparison. One would be motivated to have

this, as there is need for systems and methods that facilitate greater and more

consistent user interaction (Page 5 of Rudder).

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

30.   U.S. Patent 5,918,222 by Fukui et al. "Information disclosing apparatus and

multi-modal information input/output system" June 29, 1999. Discloses a mechanism

for responding to a demand for information in the most appropriate manner based in

part on a response rule set that takes into account personal relationship information

(See Fig. 11).

31.   U.S. Patent 6,285,891 by Hoshino et al. "Radio communication apparatus having

a plurality of communication functions" September 4, 2001. Discloses selectable

operation modes suitable for various environments. The operation modes determine

how the various functions of the apparatus will behave (See Fig. 2).

32.   U.S. Patent 6,377,913 by Coffman et al. "Method and System for Multi-Client

access to Dialog System" April 23, 2002. Discloses multi-modal system that uses a

multi-modal history to determine the intent of a input. Also makes use of profile for

determining output device preference.

33.   U.S. Patent 6,829,603 by Chai et al. "System, method and program product for

interactive natural dialog" December 7, 2004. In general, discloses a system with one

ore more modalities of interaction, which may be chosen based on user specified preferences. Does not disclose the details of such a mechanism.

34.   U.S. Patent Application Publication 2001/0047263 by Smith et al. "Multimodal user interface" November 29, 2001. Suggests the user may choose the mode of entering commands based on environment, for example, using speech while in the car. Does not disclose a profile mechanism as claimed.

35.   U.S. Patent Application Publication 2002/0059425 by Belifore et al. "Distributed Computing Services Platform" May 16, 2002. Claims priority to the relied upon provisional application 60/213,562.

36.   U.S. Patent Application Publication 2002/0152255 by Smith, Jr. et al. "Accessibility on Demand" October 17, 2002. Discloses accessibility profiles created for different environmental conditions that determine preferred settings for input and output modalities.

37.   W3C, Hickey, Marianne (editor) "Multimodal Requirements for Voice Markup Languages" July 10, 2000, W3C Working Draft available www.w3.org/TR/multimodal-reqs. Discloses the suggestion for determining available modalities and further make use of modalities based upon environmental factors (like noise) and user controlled factors. (See section 4.4 particularly).
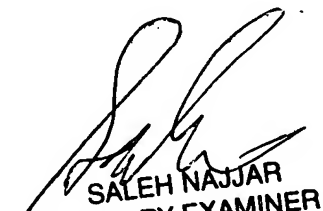

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
June 24, 2005

SALEH NAJJAR
PRIMARY EXAMINER